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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,643	02/19/2002	Kouichi Akagi	219653US3	2596
22850	7590	06/14/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			RODRIGUEZ, WILLIAM H	
		ART UNIT	PAPER NUMBER	
		3746		

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/076,643	AKAGI ET AL.
	Examiner	Art Unit
	William H. Rodriguez	3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 May 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 5 and 7 is/are allowed.  
 6) Claim(s) 2,4 and 6 is/are rejected.  
 7) Claim(s) 3 and 8 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

### DETAILED ACTION

This office action is in response to the amendment and remarks filed 5/10/04. Since the examiner has applied new grounds of rejection, this office action is being made non-final to afford the applicant the opportunity to respond to the new grounds of rejection.

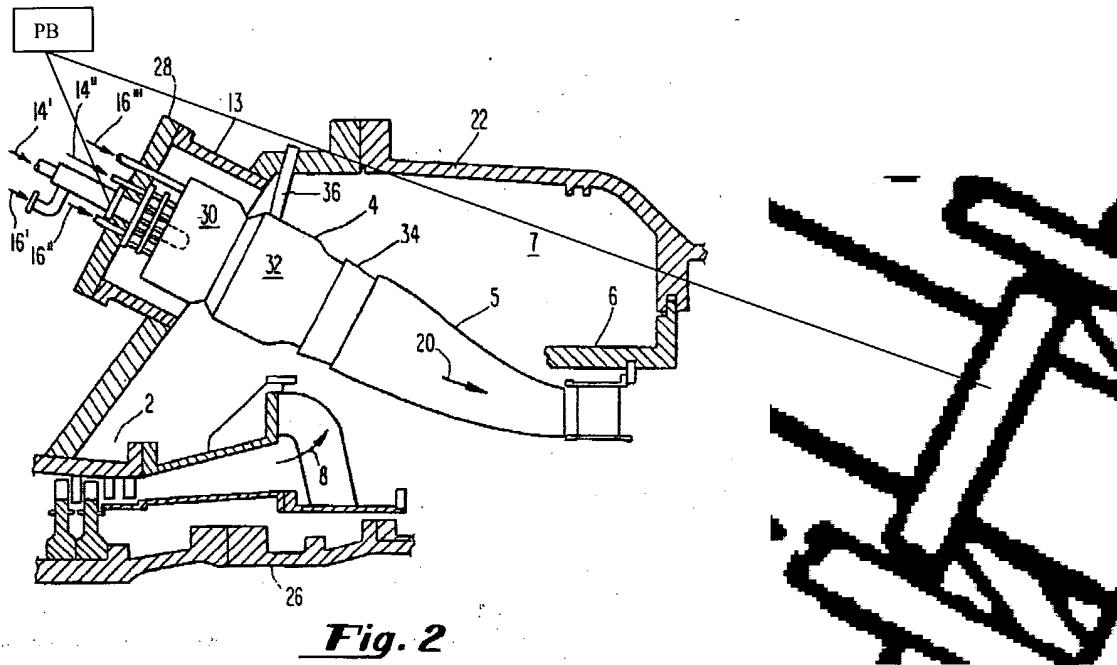
#### *Claim Rejections - 35 USC § 102*

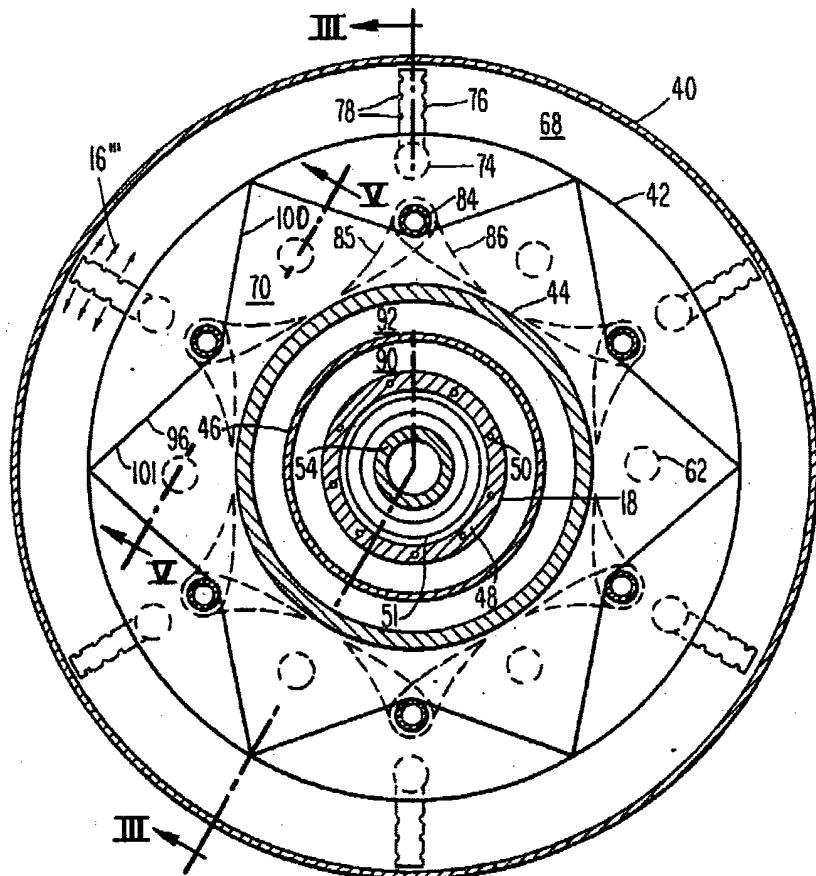
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by **Foss et al.** (U.S. 5,408,825).





With respect to claim 2, **Foss** teaches a nozzle for a gas turbine combustor comprising: a fuel oil supply pipe 14' passed through a cylinder unit 49 provided in an axial direction of the nozzle, the fuel oil supply pipe 14' having a rear end portion for supplying fuel therefrom; a plummer block PB for holding the fuel oil supply pipe 14', the plummer block PB allowing the fuel oil supply pipe 14' to expand and shrink in the axial direction as a result of thermal expansion or compression; a heat-shielding air layer 58 formed between the fuel oil supply pipe

14' and the cylinder unit 49; and a plurality of atomized-fluid supply paths (50 or 84) provided in a circumferential direction of the cylinder unit. See particularly **Figures 2, 4** of Foss.

With respect to claim 4, Foss teaches a nozzle for a gas turbine combustor comprising: a fuel oil supply pipe 14' passed through a cylinder unit 49 provided in an axial direction of the nozzle, a heat-shielding air layer 58 formed between the fuel oil supply pipe 14' and the cylinder unit 49 and a plurality of atomized-fluid supply paths 74 and fuel gas supply paths 50 disposed uniformly in a circumferential direction of the cylinder unit 49. See particularly **Figures 2, 4** of Foss.

With respect to claim 6, Foss teaches that the fuel oil supply pipe 14' has a rear end portion for supplying the fuel therefrom held not to restrict a displacement in axial direction due to thermal expansion or compression. See particularly **Figures 2, 4** of Foss.

***Allowable Subject Matter***

3. Claims 5 and 7 are allowed.

Claims 3 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The indicated allowability of claim 2 is withdrawn in view of the reference(s) to **Foss et al. (U.S. 5,408,825)**. See rejection above.

***Response to Arguments***

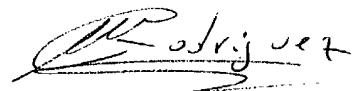
4. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 703-605-1140. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R Yu can be reached on 703-308-2675. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Rodriguez  
Examiner  
Art Unit 3746